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Recommendations

Faculty Senate

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2-28-1997

SR-96-97-(52) 118 (AC)

Marshall University

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**ATHLETIC COMMITTEE  
RECOMMENDATION**

**SR-96-97-(52) 118 (AC)**

Recommends approval of the following two policies and procedures:

**A. MARSHALL UNIVERSITY DEPARTMENT OF ATHLETICS POLICY ON  
TRANSFER BY STUDENT ATHLETES**

1. Actions by all parties involved in requests for and decisions on transfer of student-athletes from Marshall University to other institutions shall be governed by the relevant provisions in the NCAA Manual.
2. Any student-athlete with remaining athletic eligibility who wishes to consider transferring from Marshall University shall submit in writing a request for a release to the Director of Athletics.
3. The Director of Athletics and the President shall have the authority to determine if a release will be granted.
4. In considering the request, the Director of Athletics and the President will assess the relative interests of the University and the student-athlete.
5. Releases usually will not be granted to a student-athlete to attend and compete for an institution against which Marshall University is scheduled to compete in the student-athlete's sport.
6. Releases will not be granted to a student-athlete who wishes to transfer and to compete for an institution which has employed a coach who previously coached the student-athlete at Marshall University.
7. Exceptions to provisions 5 and 6 above shall be made by and at the discretion of the Director of Athletics and the University President.
8. The student-athlete shall have the opportunity to appeal the denial of a request for release and shall be so informed in writing at the time for the denial.

**B. POLICY AND PROCEDURES FOR HEARING ON APPEAL OF DENIAL OF  
REQUEST FOR RELEASE TO TRANSFER**

1. If a student-athlete at Marshall University is denied a release to transfer to another institution, in accordance with NCAA policy (currently By-Law

13.1.1.3.1), Marshall University has established the following procedures and policies to govern the appeals process.

2. Marshall University will inform in writing the student-athlete of a denial of request for release. The student-athlete will have fifteen working days from receipt of the letter to appeal the decision. The request for a hearing will be in writing to the faculty athletics representative.
3. The hearing committee will be chaired by the faculty athletics representative. Other members will be the Dean of Students, the Chairperson of the Athletic Committee, the President of the student body, and the Vice President of Academic Affairs (or their designees). If circumstances make impossible service by any of the above or their designees, the faculty athletics representative will appoint additional members to assure a panel of five. All panel members must be faculty, students, staff or administrators outside of the Department of Athletics.
4. The appeals hearing will be held within ten working days after the request for hearing has been received by the faculty athletics representative.
5. The student-athlete has the major responsibility for presenting his/her position on why the University's decision should be overturned.
6. The student-athlete may have counsel/advisor(s) in attendance. The level of participation of counsel/advisor(s) shall be determined by the committee chair.
7. All involved parties may present witnesses to be heard by the committee.
8. The proceeding will be tape recorded.
9. The student-athlete will be informed of the committee's decision by certified mail.
10. The decision of the committee is final.
11. The hearing, as a private matter between the University and a student, will be closed to the public and the media.

**RATIONALE:** These recommended policies and procedures are being sponsored by the Marshall University Student Athlete Advisory Committee in order to balance the interests of both the University and the student-athlete, and to avoid unnecessary confusion if a student were to request a transfer for any reason. The recommendations are consistent with NCAA policies and are based on information from universities with recent experience in these matters. They were adopted as

"interim policy" in the Spring of 1996 to deal with situations that arose at that time at Marshall University. These situations sometimes arise where a student wishes to "follow a coach" who has taken a position at another university. The policy is designed to reinforce the idea that a student signs with a university as part of an educational decision, not just with a coach in order to play sports.

**FACULTY SENATE PRESIDENT:**

APPROVED  
BY SENATE: Elaine Baker DATE: 2-28-97

DISAPPROVED  
BY SENATE: \_\_\_\_\_ DATE: \_\_\_\_\_

**UNIVERSITY PRESIDENT:**

APPROVED: [Signature] DATE: 3-17-97

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

**COMMENTS:**

Amended on the Senate floor, 2/27/97. Numbers 5 and 6, under the section titled

*Marshall University Department of Athletics Policy on Transfer by Student-Athletes ,*

were amended as follows: 5.) Releases usually will not be granted to a student-athlete

to attend and compete for an institution ~~which has employed a coach who previously~~

~~coached the student-athlete at Marshall University~~ against which Marshall University

is scheduled to compete in the student-athlete's sport. 6.) Releases will not be

granted to a student-athlete who wishes to transfer ~~to an institution which has~~

~~employed a coach who previously coached the student-athlete at Marshall University.~~

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and to compete for an institution which has employed a coach who previously

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coached the student-athlete at Marshall University.

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